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Attorneys for Plaintiff HP Tuners, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HP TUNERS, LLC, a Nevada limited liability
company,

Plaintiff,

vs.

KENNETH CANNATA,

Defendant.

Case No. 3:18-cv-00527-LRH-WGC

**JOINT MOTION TO MODIFY
SCHEDULING ORDER**

(First Request)

Pursuant to Fed. R. Civ. P. 16, and for the reasons enumerated in the accompanying Memorandum of Law in Support, Plaintiff HP Tuners, LLC (“HP Tuners” or “Plaintiff”) and Defendant Kenneth Cannata (“Cannata” or “Defendant”) (together, the “parties”), by and through their respective counsel, hereby jointly move to modify the Court’s Scheduling Order dated February 4, 2019 (Dkt. 17). This is the first motion to extend time to take discovery.

The parties propose an amended schedule extending the remaining deadlines by sixty (60) days, thereby providing for the following deadlines:

- December 31, 2019 Discovery End Date
- November 4, 2019 Expert Disclosures
- December 3, 2019 Rebuttal Expert Disclosures
- October 2, 2019 Deadline to Amend Pleadings and Add Parties
- February 3, 2020 Deadline to File Dispositive Motions
- March 2, 2020 Deadline to File Pretrial Order

A Memorandum of Law follows detailing the specific modifications requested and the arguments in support of this motion.

DATED this 18th day of July, 2019.

DATED this 19th day of July, 2019.

LEE HIGH, LTD.

KOLESAR & LEATHAM

/s/ Cecilia Lee, Esq.

/s/ Bart Larsen, Esq.

CECILIA LEE, ESQ.

BART LARSEN, ESQ.

ELIZABETH HIGH, ESQ.

Attorney for Defendant, Kenneth Cannata

MARKS & KLEIN

/s/ Andrew P. Bleiman, Esq.

ANDREW P. BLEIMAN, ESQ.

Attorneys for Plaintiff HP Tuners, LLC

MEMORANDUM IN SUPPORT OF
JOINT MOTION TO MODIFY SCHEDULING ORDER

On February 4, 2019, this Court entered a scheduling order (the “Scheduling Order”) setting forth a number of deadlines, which include:

- October 31, 2019 Discovery End Date
- September 3, 2019 Expert Disclosures
- October 3, 2019 Rebuttal Expert Disclosures
- August 2, 2019 Deadline to Amend Pleadings and Add Parties
- December 2, 2019 Deadline to File Dispositive Motions
- January 2, 2020 Deadline to File Pretrial Order

Docket No. 17.

The parties seek an amended scheduling order extending the remaining deadlines by sixty (60) days, resulting in the following deadlines:

- December 31, 2019 Discovery End Date
- November 4, 2019 Expert Disclosures
- December 3, 2019 Rebuttal Expert Disclosures
- October 2, 2019 Deadline to Amend Pleadings and Add Parties
- February 3, 2020 Deadline to File Dispositive Motions
- March 2, 2020 Deadline to File Pretrial Order

Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, a scheduling order may be modified “for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4); see also Fed. R. Civ. P. 16 advisory committee’s notes (1983 amendment) (The district court may modify the pretrial schedule “if it cannot reasonably be met despite the diligence of the party seeking the extension.”).

Here, good cause exists. The parties have conferred and jointly determined that the deadlines set forth in the current Scheduling Order cannot reasonably be met due to the significant discovery demands involved in this litigation. The parties are in the midst of extensive discovery, including considerable third party discovery, and compliance with the current Scheduling Order will impede the parties’ abilities to pursue discovery and conduct a thorough investigation into the relevant facts of the case.

1 Accordingly, the parties respectfully request the Court grant this Joint Motion to Modify
2 Scheduling Order, and extend the outstanding deadlines by sixty (60) days in accordance with the
3 proposed dates set forth herein.

4 DATED this 18th day of July, 2019.

DATED this 19th day of July, 2019.

5 LEE HIGH, LTD.

KOLESAR & LEATHAM

6 /s/ Cecilia Lee, Esq.

/s/ Bart Larsen, Esq.

CECILIA LEE, ESQ.

BART LARSEN, ESQ.

7 ELIZABETH HIGH, ESQ.

Attorney for Defendant, Kenneth Cannata

8 MARKS & KLEIN

9 /s/ Andrew P. Bleiman, Esq.

10 ANDREW P. BLEIMAN, ESQ.

11 Attorneys for Plaintiff HP Tuners, LLC

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15 IT IS SO ORDERED.

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17 HONORABLE WILLIAM G. COBB

18 UNITED STATES MAGISTRATE JUDGE

19 DATED: July 22, 2019.
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